IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 15297 of 2004

Between:

Gopalapatnam Consumer Product Distributors Welfare Association
(Reg.No.1311/2001) a Society Regd.under the
Societies Registration Act, 1860 at Visakhapatnam

rep by it Secretary Sri K.Nageswara Rao s/o. Late Satyanarayana

R/o D.No.39-33-149/1, LIG Phase II Plot No.87,

Madhavadhara VUDA Colony, Visakhapatnam.

..... PETITIONER

AND

1 Municipal Corporation of Visakhapatnam,

rep by its Commissioner at Visakhapatnam.
2 Triveni Grama Abhyudaya Seva Sangham Buchiraju Palem,

Visakhapatnam rep. by its President.
3 Pendurthi Gram Panchayat, rep by its Sarpanch Pendurthi Village and Mandal Visakhapatnam District.
4 Vepagunta Gram Panchayat, rep by its Sarpanch Vepagunta, Village, Pendurthi Mandal Visakhapatnam Dist.
5 Simhachalam Devasthanam rep by its Executive Officer, Simhachalam Visakhapatnam District.
6 Sri G.Venkata Krishna S/o. Gopal Rao R/o. 57-18/A, Gokul Nagar, kancherlapalem, Visakhapatnam (Bidder of 1st respondent)

7 Smt. K.ammaji W/o. Achanna C/o. Bheema Sweet Stall, Main Road Gopalapatnam, Visakhapatnam (Bidder of 1st Respondent).
8 Sri D.Chander Rao S/o. D.Suryanarayana, R/o. 58-13-63, Gowrinagar NAD Kotha Road, Visakhapatnam (Bidder of 2nd Respondent).
9 Sri P.Rama Rao S/o. D.Suryanarayana R/o. BC Colony, Pendurthi Visakhapatnam District (Bidder of 3rd Respondent)
10 P.Venkateshwar Road S/o. Kameshwar Roa R/o. 7-103, Anjaneya Nagar Vepagunta Village, Pendurthi Mandal, Visakhapatnam District (Bidder of 4th respondent).
11 Sri D.Kanaka Raju S/o. Jatlaiah C/o. D.Rama Naidu Pan Shop Simhachalam,

Visakhapatnam (Bidder of 5th respondent).

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of writ mandamus declaring the action of the respondents herein in collecting AASEELU from the members of the petitioner in respect of the goods vehicles through which fast moving consumer goods are distributed to the retailers located in the areas of the 1st to 5th respondents, as being illegal, arbitrary, unconstitutional, without any authority of Law and consequently direct the respondents herein not levy and collect AASEELU from the members of the petitioner.

Counsel for the Petitioner:MR.P.VENUGOPAL

Counsel for the Respondent No.1: MR.T.S.VENKATARAMANA

Counsel for the Respondent Nos.2 to 4: MR. D.SRINIVAS, Standing Counsel for Gram Panchayat

Counsel for the Respondent No.5: MR. B.ADINARAYANA RAJU, Standing Counsel for Simhachalam Devasthanam

The Court at the stage of admission made the following ORDER:

The learned counsel for the petitioner-association as well as the learned Standing Counsel for the respondents agreed that the writ petition can be disposed of in the light of the orders passed by this Court in W.P.No.7819 of 1997, dated 23-08-2001.

Following the same, this writ petition is disposed of directing the petitioner-association to represent their grievance, if any, by submitting representation afresh before the first respondent-Commissioner, Visakhapatnam, and on such representation, the first respondent shall fix a date and make a personal hearing of the case of the petitioner-association and pass appropriate orders within three weeks from the date of receipt of a copy of this order, before issuing the notification for the year 2005-2006. No costs.

27th AUGUST, 2004.

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To

1 Municipal Corporation of Visakhapatnam rep by its Commissioner at Visakhapatnam.
2 Triveni Grama Abhyudaya Seva Sangham Buchiraju Palem, Visakhapatnam rep. by its President.
3 Pendurthi Gram Panchayat, rep by its Sarpanch Pendurthi Village and Mandal Visakhapatnam District.
4 Vepagunta Gram Panchayat, rep by its Sarpanch Vepagunta, Village, Pendurthi Mandal Visakhapatnam Dist.
5 Simhachalam Devasthanam rep by its Executive Officer, Simhachalam Visakhapatnam District.
6 Two CD copies.